



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 4, 1993

Mr. Jeff Hankins
Legal Assistant, Regulated Lines Section
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR93-281

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 18496.

The Texas Department of Insurance (the "department") received an open records request for the following two items of information about First Southwest Lloyds:

- 1) Copy of the last Examination Report completed preceding June 1989; and
- 2) Copy of the Commissioner's Order, if issued, placing First Southwest Lloyds under supervision prior to June 1989.

You say the department has no information responsive to request item two. You assert item one is excepted from required public disclosure based on section 3(a)(12) of the Open Records Act.

Section 3(a)(12) excepts from required public disclosure


information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act.

An insurance company is a financial institution for purposes of section 3(a)(12). Open Records Decision No. 158 (1977). We agree that section 3(a)(12) applies to the

examination report which First Southwest Lloyds submitted to the department. *See id.* Consequently, you may withhold the report.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/CAB/le

Ref: ID# 18496
ID# 18567

Enclosures: documents submitted

cc: Mr. William W. "Bill" Hamby, CFE
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(w/o enclosures)